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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,394	11/21/2003	Bryan J. Roof	D/A3465	2565
25453	7590	03/27/2006	EXAMINER	
TRAN, LY T				
ART UNIT			PAPER NUMBER	
			2853	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/719,394 Ly T. TRAN	ROOF ET AL. Art Unit 2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on RCE filed 3/1/06.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/1/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 8-13 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titterington et al. (USPN 5,372,852) in view of Kessler (USPN 4,458,399).

With respect to claims 1-3, 11-13, 8 and 18 Titterington discloses an image transfer printing apparatus comprising:

- a member having an imaging transfer surface (Fig.13: element 14);

- an application assembly for distributing a layer of release liquid onto the imaging transfer surface to produce an intermediate transfer surface (Fig.13: element 15);
- means for supporting the member in contact with the member to release and form the liquid layer (Fig.13: Element 18);
- an ink jet print head (element 11) depositing a molten phase-change ink in a phase-change ink image on the intermediate transfer surface (Abstract);
- means for transferring the phase-change ink from the intermediate transfer surface to a receiving medium (element 26).

With respect to claims 9 and 19, Titterington discloses the member is an image member (Fig.13: element 14).

With respect to claims 10 and 20, Titterington discloses the member is a fuser member (Fig.13: elemet 14)

However, Titterington fails to teach the applicator assembly including a porous member having a core, the core having openings defined therein, a liquid supply system connected to the core for supplying liquid to saturate the porous member to a low saturation level and the core is a tube member having an impregnable material thereabouts and the impregnable material includes foam.

Kessler teaches the applicator assembly including a porous member having a core; the core having openings defined therein (Fig.1: element 12), a liquid supply system (Fig.1, Column 3: line 18-40) connected to the core for supplying liquid to

saturate the porous member to a low saturation level (since Applicant does not define what a low saturation level, then as long a liquid supply system for supplying release liquid to saturate the porous member can be consider as a low saturation level) and the core is a tube member having an impregnable material thereabouts and the impregnable material includes foam (Fig.1: element 12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an applicator assembly including a porous member having a core, the core having openings defined therein, a liquid supply system connected to the core for supplying liquid to saturate the porous member as taught by Kessler. The motivation of doing so is to control flow of ink.

3. Claims 4-7 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titterington et al. (USPN 5,372,852) in view of Kessler (USPN 4,458,399) as applied to claim 1 above, further in view of Takahashi et al (USPN 4,385,558).

The combination of Titterington and Kessler fails to teach a replenishing system includes a sensing system for sensing an amount of the liquid in the porous member, a controller and sensing the mass of the porous member.

Takahashi teaches a replenishing system includes a sensing system for sensing an amount of the liquid in the porous member, a controller and sensing the mass of the porous member (Column 4: line 12-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made as modify to have a replenishing system includes a sensing system

for sensing an amount of the liquid in the porous member as taught by Takahashi. The motivation of doing so is maintain the size of ink deposit.

***Response to Arguments***

4. Applicant's arguments filed 3/1/06 have been fully considered but they are not persuasive.

Applicant argues that Keeler fails to teach supplying release liquid to saturate the porous member to a low saturation level. This argument does not deem to be persuasive because Applicant does not define what a low saturation level is, since Keeler teaches a liquid supply system for supplying an amount of release liquid to saturate the porous member, this amount of release liquid can be consider as a low saturation level.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T. TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT

March 9, 2006



STEPHEN MEIER  
SUPERVISORY PATENT EXAMINER